



This form is to be used in conjunction with a rule review when ancillary documents are also being reviewed as part of the review process.

Ancillary documents are interpretive or policy statements that advise the public of the Department's opinions, approaches, or likely course of action. They include documents such as Excise Tax Advisories (ETAs), Property Tax Bulletins (PTBs), and Revenue Policy Memorandums (RPMs). Ancillary documents do not have the "force of law" that a rule is given under the Administrative Procedures Act (Chapter 34.05 RCW). Court decisions, Board of Tax Appeals decisions (BTA), and Washington Tax Decisions (WTDs) **are not** ancillary documents.

Reviewer: JoAnne Gordon Date Reviewed: December 4, 2001

Ancillary Document being reviewed (provide number and title): ETA 357.04.211
Bailments: Handling and Cleaning Charges

Date last Issued: June 5, 1970

This document is being reviewed in conjunction with (provide WAC number and title): WAC 458-20-211
Leases or rentals of tangible personal property, bailment

Purpose of the document: Explains that amounts billed to bailees by bailors for handling items remain taxable under the service and other activities classification even though the items were serviced as necessary. The true object of the activity was the handling service, any cleaning activity was incidental.

Is the document clearly written?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does the document provide accurate and useful information?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does the document provide information not currently in the rule?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>



Review recommendation:

- A. Update
- B. Repeal
- C. Leave as is
- D. Incorporate into rule and repeal

X

Briefly explain your recommendation:

The previous review of ETA 357 recommends retaining the ETA until it can be incorporated into an appropriate rule. Incorporating the information in WAC 458-20-211 serves no useful purpose because the issue of bailment is of no consequence in determining how tax applies to the additional servicing charges. The ETA applies a true object to determine the taxability of the additional charges. Numerous documents explain that the Department frequently looks to the “true object” of the transaction to determine the proper tax classification. Examples include: Det. No. 89-009A, 12 WTD 1 (1992) (discount memberships); Det. No. 94-115, 15 WTD 019 (1994) (food demonstrations); Det. 00-159E, 20 WTD 372 (2001) (transmission of data); and WAC 458-20-211 (Leases or rentals of tangible personal property, bailment).

Manager Action:

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Accepted recommendation

Date: _____

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Returned for further review

Date: _____

Comments
